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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA,

Plaintiff, Criminal Action  
No. 14-10298-DJC

V.

March 27, 2015

EDMOND ALEXANDRE,

Defendant.

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TRANSCRIPT OF STATEMENT OF REASONS

BY THE HONORABLE DENISE J. CASPER

UNITED STATES DISTRICT COURT

JOHN J. MOAKLEY U.S. COURTHOUSE

1 COURTHOUSE WAY

BOSTON, MA 02210

DEBRA M. JOYCE, RMR, CRR  
Official Court Reporter  
John J. Moakley U.S. Courthouse  
1 Courthouse Way, Room 5204  
Boston, MA 02210  
joycedebra@gmail.com

\* \* \* \* \*

THE COURT: I thank counsel for their respective recommendations here, and I've had a chance to consider them, along with all of the written materials I had indicated I had reviewed before this hearing.

Mr. Alexandre, in determining what a reasonable sentence would be here, I have to consider and weigh a number of factors, including, but not limited to, the advisory guideline sentencing range that you heard me discuss with counsel on both sides; the nature and circumstances of the crime that you committed here; your personal history and background; and the need for the sentence to do many things: reflect the seriousness of the offense, promote respect for the law, and provide just punishment and adequate deterrence, and all of the factors under Title 18 United States Code 3553(a).

First, sir, in regards to your crime, I think your counsel was right not to understate, certainly, the seriousness of it. Your actions on this flight, an international flight, a nonstop flight, caused a disruption and I'm sure anxiety among not just the passengers, but the flight crew involved, and, as you know, resulted in diversion of the flight, inconvenience to several hundred passengers, as well as increased cost to the airline who had to divert the flight. It led to that sequence of events, which Mr. Shine is right to point out, are serious circumstances.

1           That having been said, I'm going to come back to this  
2     issue. I do take Mr. Hanye's point that the consequences  
3     aren't necessarily reflective of your intent, and I've  
4     considered that fact in considering what an appropriate  
5     sentence would be here.

6           Mr. Alexandre, I've also considered your personal  
7     background. I know and I've heard from your counsel and from  
8     you that you're 61, you're of Haitian dissent, I think living  
9     in Paris now. It appears that you have a regular work history  
03:12 10    in landscaping, and you certainly have no criminal history to  
11    speak of that I have before me now.

12           I also note significantly that you were suffering from  
13    a medical condition on the day of the crime that you committed  
14    here, and I've taken great note of the letter from the doctor  
15    at MGH in regards to this matter, and not simply that your  
16    blood sugar was low, but that you had been missing two days of  
17    insulin and you required immediate treatment and  
18    hospitalization. I also take note of the fact that the doctor  
19    commented on the effect that this condition can have on  
03:13 20    judgment and on behavior.

21           I've also considered the advisory guideline sentencing  
22    range, which, as I said before, I think has been correctly  
23    scored so that the sentencing range is in the lowest possible  
24    range of zero to six months. It's also within a zone that even  
25    under the guidelines I can consider a probationary sentence or,

1 if I do consider a sentence of incarceration, one that is  
2 recommended to be between zero and six months.

3 Finally, sir, I've considered all of the goals of  
4 sentencing that I mentioned at the outset. I do think there is  
5 an important deterrent effect that needs to be reflected in any  
6 sentence I impose, including the sentence I impose here, but I  
7 do think there is a great deterrent effect in the fact that you  
8 were criminally charged in federal court and have pled guilty  
9 to a federal felony, and I do think that just punishment here  
03:15 10 will be reflected in all of the components of the sentence I'll  
11 impose.

12 I don't think, Mr. Shine, that your recommendation is  
13 outside of the realm of possible sentences I should consider  
14 here, but I cannot say that it's a sentence that's not greater  
15 than necessary, given all of the considerations I have to make  
16 about Mr. Alexandre's personal situation, as well as the  
17 circumstances of the crime that he committed under 3553(a).

18 With that said, sir, I am going to impose a sentence  
19 of time served, one year supervised release, a \$1,000 fine, and  
03:16 20 I am going to impose restitution of \$6,303, to the extent  
21 that's discretionary, I do think that's reasonably foreseeable,  
22 I think the amount is reasonably calculated, and I did also  
23 consider the cases that Mr. Shine cited in his memo in regards  
24 to the imposition of restitution in similar circumstances,  
25 along with your arguments as well. But I do impose that amount

1 of restitution. I also impose the mandatory \$100 special  
2 assessment.

3 \* \* \* \* \*